

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29056 of 2023

Arising Out of PS. Case No.-358 Year-2022 Thana- SARAI RANJAN District- Samastipur

NAGESHWAR RAY S/o Saukhi Ray Resident of village-Dharmaglpur, Ward
No. 14, P.O. and P.S.-Pusa, District-Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anu Priyadarshni, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468 and 471/34 of the Indian Penal Code and Sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 2611.8 litres of liquor from a truck and a Balero Jeep.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner is not the owner of the truck but came to be



implicated being the owner of the Bolero Jeep from which 45 litres of liquor was recovered. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus would create evidence against himself and hence would get implicated, when admittedly petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sarairanjan P.S. Case No. 358 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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